

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 398

Introduced by Assembly Members Monning and Chesbro

February 23, 2009

An act to amend ~~Section~~ Sections 4354, 4357, and 4358.5 ~~of of, and to repeal Section 4359 of~~, the Welfare and Institutions Code, relating to acquired brain trauma.

LEGISLATIVE COUNSEL'S DIGEST

AB 398, as amended, Monning. Acquired brain trauma: administration.

Existing law establishes the State Department of Mental Health and sets forth its powers and duties relating to the administration of programs for the delivery of mental health services, including, but not limited to, establishing the department as the agency responsible for administering a program of services for persons with acquired traumatic brain injury, as defined.

Existing law establishes the Department of Rehabilitation and sets forth its powers and duties relating to rehabilitation services, including, but not limited to, duties related to the delivery of services for persons with acquired traumatic brain injury.

This bill would remove the State Department of Mental Health as the agency responsible for administering the program of services for persons with acquired traumatic brain injury, would, instead, establish the Department of Rehabilitation as the responsible agency, *would delete the existing July 1, 2012, repeal date for these provisions*, and would make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4354 of the Welfare and Institutions Code
2 is amended to read:
3 4354. For purposes of this chapter, the following definitions
4 shall apply:
5 (a) “Acquired traumatic brain injury” is an injury that is
6 sustained after birth from an external force to the brain or any of
7 its parts, resulting in cognitive, psychological, neurological, or
8 anatomical changes in brain functions.
9 (b) “Department” means the State Department of Rehabilitation.
10 (c) “Director” means the Director of Rehabilitation.
11 (d) (1) “Vocational supportive services” means a method of
12 providing vocational rehabilitation and related services that may
13 include prevocational and educational services to individuals who
14 are unserved or underserved by existing vocational rehabilitation
15 services.
16 (2) “Extended supported employment services” means ongoing
17 support services and other appropriate services that are needed to
18 support and maintain an individual with an acquired traumatic
19 brain injury in supported employment following that individual’s
20 transition from support provided as a vocational rehabilitation
21 service, including job coaching, by the department, as defined in
22 paragraphs (1) and (5) of subdivision (a) of Section 19150.
23 (e) The following four characteristics distinguish “vocational
24 supportive services” from traditional methods of providing
25 vocational rehabilitation and day activity services:
26 (1) Service recipients appear to lack the potential for unassisted
27 competitive employment.
28 (2) Ongoing training, supervision, and support services must
29 be provided.
30 (3) The opportunity is designed to provide the same benefits
31 that other persons receive from work, including an adequate income
32 level, quality of working life, security, and mobility.
33 (4) There is flexibility in the provision of support which is
34 necessary to enable the person to function effectively at the
35 worksite.

(f) “Community reintegration services” means services as needed by clients, designed to develop, maintain, increase, or maximize independent functioning, with the goal of living in the community and participating in community life. These services may include, but are not limited to, providing, or arranging for access to, housing, transportation, medical care, rehabilitative therapies, day programs, chemical dependency recovery programs, personal assistance, and education.

(g) “Fund” means the Traumatic Brain Injury Fund.

(h) “Supported living services” means a range of appropriate supervision, support, and training in the client’s place of residence, designed to maximize independence.

(i) “Functional assessment” means measuring the level or degree of independence, amount of assistance required, and speed and safety considerations for a variety of categories, including activities of daily living, mobility, communication skills, psychosocial adjustment, and cognitive function.

(j) “Residence” means the place where a client makes his or her home, that may include, but is not limited to, a house or apartment where the client lives independently, assistive living arrangements, congregate housing, group homes, residential care facilities, transitional living programs, and nursing facilities.

SEC. 2. Section 4357 of the Welfare and Institutions Code is amended to read:

4357. (a) The sites shall be able to identify the special needs and problems of clients and the services shall be designed to meet those needs.

(b) The sites shall match not less than 20 percent of the amount granted, with the exception of funds used for mentoring. The required match may be cash or in-kind contributions, or a combination of both, from the sites or any cooperating agency. In-kind contributions may include, but shall not be limited to, staff and volunteer services.

(c) The sites shall provide at least 51 percent of their services under the grant to individuals who are Medi-Cal eligible or who have no other identified third-party funding source.

(d) The sites shall provide, directly or by arrangement, a coordinated service model to include all of the following:

(1) Supported living services.

(2) Community reintegration services.

1 (3) Vocational supportive services.

2 (4) Information, referral, and, as needed, assistance in
3 identifying, accessing, utilizing, and coordinating all services
4 needed by individuals with traumatic brain injury and their families.

5 (5) (A) Public and professional education designed to facilitate
6 early identification of persons with brain injury, prompt referral
7 of these persons to appropriate services, and improvement of the
8 system of services available to them.

9 (B) The model shall be designed and modified with advice from
10 clients and their families, and shall be accessible to the population
11 in need, taking into account transportation, linguistic, and cultural
12 factors.

13 (e) The sites shall develop and utilize an individual service plan
14 which will allow clients to move from intensive medical
15 rehabilitation or highly structured living arrangements to increased
16 levels of independence and employment. The goals and priorities
17 of each client shall be an integral part of his or her service plan.

18 (f) The sites shall seek all third-party reimbursements for which
19 clients are eligible and shall utilize all services otherwise available
20 to clients at no cost, including vocational rehabilitation services
21 provided by the department. However, grantees may utilize grant
22 dollars for the purchase of nonreimbursed services or services
23 otherwise unavailable to clients.

24 (g) The sites shall endeavor to serve a population that is broadly
25 representative with regard to race and ethnicity of the population
26 with traumatic brain injury in their geographical service area,
27 undertaking outreach activities as needed to achieve this goal.

28 (h) The sites shall maintain a broad network of relationships
29 with local groups of brain injury survivors and families of
30 survivors, as well as local providers of health, social, and
31 vocational services to individuals with traumatic brain injury and
32 their families. The sites shall work cooperatively with these groups
33 and providers to improve and develop needed services and to
34 promote a well-coordinated service system, taking a leadership
35 role as necessary.

36 SEC. 3. Section 4358.5 of the Welfare and Institutions Code
37 is amended to read:

38 4358.5. (a) Funds deposited into the Traumatic Brain Injury
39 Fund pursuant to paragraph (8) of subdivision (f) of Section 1464
40 of the Penal Code shall be matched by federal vocational

1 rehabilitation services funds for implementation of the Traumatic
2 Brain Injury program pursuant to this chapter. However, this
3 matching of funds shall be required only to the extent it is required
4 by other state and federal law, and to the extent the matching of
5 funds would be consistent with the policies and priorities of the
6 department regarding funding.

7 (b) The department shall seek and secure funding from available
8 federal resources, including, but not limited to, Medicaid and drug
9 and alcohol funds, utilizing the Traumatic Brain Injury Fund as
10 the state's share for obtaining federal financial participation, and
11 shall seek any necessary waiver of federal program requirements
12 to maximize available federal dollars.

13 *SEC. 4. Section 4359 of the Welfare and Institutions Code is*
14 *repealed.*

15 ~~4359. This chapter shall remain in effect until July 1, 2012,~~
16 ~~and as of that date is repealed, unless a later enacted statute enacted~~
17 ~~prior to July 1, 2012, extends or deletes that date.~~